



CEDAR CHEMICAL 1ST PRP MEETING

November 18, 2014

Introduction

- EPA Region 6 Attorney: Marvin Benton (214) 665-8035
- RPM: Valmichael Leos (214) 665-2283
- EPA Enforcement Officer: Lance Nixon (214) 665-2203

Prior Site EPA Region VI Legal Actions

- 2014 – EPA issues SNLs inviting parties to negotiate RI/FS AOC

Why Parties Were Selected and Invited

- Section 107(a) of CERCLA provides four prongs of liability
 - Current owner
 - Past owner
 - Arranger/generator
 - Transporter

EPA has reviewed deeds, corporate history for successors in interest, discharge monitoring reports violations and exceedances and past 104(e) responses

RI/FS Negotiations

- Special Notice Letters (SNLs) invite recipients to participate in Administrative Order on Consent negotiations to perform Remedial Investigations and Feasibility Studies at a Site
- Section 122(e) of CERCLA requires recipients of SNLs to propose in good faith the undertaking or financing of the RI/FS within 60 days of receipt of SNL
- SNLs included copy of draft Administrative Orders on Consent

Statement of Work

- SOW lays out summary blueprint of Scope of Work to be performed
- EPA RPM Valmichael Leos is lead on technical aspects of SOW negotiations

Administrative Order On Consent

- Settlement Agreement to be embodied in Administrative Order
- AOC includes settlement of Past and Future Response Costs (Oversight) and agreement to perform selected remedy
- In exchange, AOC provides Covenant Not to Sue by U.S. and contribution protection

The AOC Settlement Process

- Once AOC settlement is reached all parties will sign
- We will then do a public comment period;

Points of Contact

- EPA encourages Parties to coordinate single points of contact – 1 for CD negotiations and 1 technical point of contact for SOW negotiations
- Has your group met and determined how you will organize yourselves ?
- Do you want to break so that you all can talk among yourselves ?

PRP Coordination

- EPA encourages PRPs to consider private cooperative agreement amongst themselves for negotiation and performance of Work